

template for LUC paragraphs regarding transfer for active AF bases in California
9/26/2005

Whenever the Air Force transfers real property that is subject to institutional controls and resource use restrictions to another federal agency, the transfer documents shall require that the federal transferee include the institutional controls, and applicable resource use restrictions, in its resource use plan or equivalent resource use mechanism. The Air Force shall advise the recipient federal agency of all obligations contained in the ROD, including the obligation that a State Land Use Covenant will be executed and recorded pursuant to 22 CCR Section 67391.1 in the event the federal agency transfers the property to a non-federal entity.

Whenever the Air Force proposes to transfer real property subject to resource use restrictions and institutional controls to a non-federal entity, it will provide information to that entity in the draft deed and transfer documents regarding necessary resource use restrictions and institutional controls, including the obligation that a State Land Use Covenant will be executed and recorded pursuant to 22 CCR Section 67391.1. The signed deed will include institutional controls and resource restrictions equivalent to those contained in the State Land Use Covenant and this ROD.

The Air Force will provide notice to EPA and the State at least six (6) months prior to any transfer or sale of [base or OU at issue] so that EPA and the State can be involved in discussions to ensure that appropriate provisions are included in the transfer terms or conveyance documents to maintain effective ICs. If it is not possible for the facility to notify EPA and the State at least six months prior to any transfer or sale, then the facility will notify EPA and the State as soon as possible but no later than 60 days prior to the transfer or sale of any property subject to ICs. In addition to the land transfer notice and discussion provisions above, the Air Force further agrees to provide EPA and the State with similar notice, within the same time frames, as to federal-to-federal transfer of property. The Air Force shall provide a copy of the executed deed or transfer assembly to EPA and the State.